IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

-

WRIT PETITION NO : 27844 of 1995

Between:

P.DAYAKAR REDDY S/O VENKATRAMI REDDY
KOTHAPALEM VILLAGE, KOTA MANDAL
NELLORE DISTRICT

..... PETITIONER

AND

1 STATE OF A.P, REP BY THE DISTRICT COLLECTOR
NELLORE
2 THE SUPERINTENDING ENGINEER, ROADS AND BUILDINGS
NELLORE
3 THE EXECUTIVE ENGINNER, ROADS AND BUILDINGS
GUDUR, NELLORE DISTRICT

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ order direction more particularly one in the nature of mandamus directing the respondents to determine the amount of compensation payable towards the transfer of the land in s.no.1715/2 of an extent of ac.0-47 cents in Kothapalem village, Kota Mandal, Nellore District, belonging to the petitioner to road poramboke for the purpose if commissioning a road and pay the same to the petitioner.

Counsel for the Petitioner: MR.S.V.SUNDARARAJAN

Counsel for the RespondentS: GP FOR LAND ACQUISITION

The Court made the following :

ORDER:

This writ petition is filed seeking a writ of Mandamus directing the respondents to determine the amount of compensation payable towards the transfer of the land of the petitioner in S.No.1715/2 of an extent of Ac.0-47 cents situated at Kothapalem village, Kota Mandal, Nellore District, to road poramboke for the purpose of commissioning a road and pay the same to the petitioner.

The brief facts that lead to filing of the writ petition are as follows:

It is stated that the family of the petitioner has owned an extent of Ac 0-98 cents in S.No.1715 of Kothapalem, Girijan colony and also residential area with high potential value and that the said Survey No., was sub-divided in the year 1986 and an extent of ac 0-47 cents in S.No.1715/2 belonging to the petitioner was transferred to road poramboke without the consent of the petitioner and accordingly implemented in the village accounts for the purpose of commissioning a road lead to Gudur-Tupilipalem road besides commissioning an approach road for a Sallakaluva road bridge, for which land the petitioner is entitled for compensation of Rs. 2,50,000/- with interest besides solatium thereon and other benefits. It is further stated that though the respondents admitted the claim, as they failed to initiate any proceedings for payment of the compensation to the petitioner inspite of his repeated reminders and notices, the petitioner approached the Consumer Redressal Forum, Nellore, in C.D.No. 409/1992 for necessary relief but the same was opposed by the authorities on point of jurisdiction. It is further stated that the action of the authorities in not directing the amount of compensation to be paid is arbitrary. Hence, the writ petition.

Heard the Counsel on both sides.

I have perused the averments and the material available on record. A copy of the letter addressed by the Executive Engineer, Gudur, dated 31.5.1989, to the writ petitioner is found from the material papers, informing him that some land situated in

S.No:1715 of Kothapalem village was taken possession for laying of Thupilipalem Gudur Road and in that connection, if the said land belonged to the writ petitioner, they assured for payment of proper compensation taking into consideration the potential value of the land in question.

In view of the letter, it is for the writ petitioner to prove before the authorities concerned that the land in question belongs to him. At this stage of the proceedings, the scope of the writ petition is very limited and as such, the aspects as to whether the land in question belongs to the petitioner or not etc., facts cannot be decided in this writ petition.

However, in the facts and circumstances of the case and in view of the copy of the letter addressed by the Executive Engineer, I feel that it would suffice, if the petitioner is afforded liberty to make an appropriate application before the first respondent for the appropriate relief within a period of eight weeks from the date of receipt of a copy of this order and on such application, the 1st respondent shall dispose of the same within a period of eight Weeks thereafter, in accordance with law.

Subject to the above observations, the writ petition is disposed of. No costs.

_____

T. MEENA KUMARI, J

Dt. 30/12/2004

Kvrk

To

1 THE DISTRICT COLLECTOR, STATE OF A.P, NELLORE
2 THE SUPERINTENDING ENGINEER, ROADS AND BUILDINGS
NELLORE
3 THE EXECUTIVE ENGINNER, ROADS AND BUILDINGS
GUDUR, NELLORE DISTRICT

4. Two CCs to GP for Land Acquisition, High Court Buildings, Hyderabad(OUT)

5. Two CD copies.